

STATE OF MICHIGAN  
COURT OF APPEALS

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ROSE M. WRIGHT,

Plaintiff-Appellant,

v

ROBERT M. VOLWAY and TRACI ANN  
VOLWAY,

Defendants-Appellees.

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UNPUBLISHED

November 10, 2005

No. 255075

Midland Circuit Court

LC No. 02-005630-NI

Before: Gage, P.J., and Hoekstra and Murray, JJ.

MEMORANDUM.

In this case involving tort liability under the no-fault act,<sup>1</sup> plaintiff appeals as of right from the circuit court's order granting summary disposition to defendants. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court dismissed this case solely on the ground that plaintiff failed to present sufficient evidence to prove that injuries she suffered in the traffic accident in question caused the physical condition of which she makes issue. Plaintiff includes no challenge to that holding in her statement of the questions presented; therefore, she has failed to present a basis for appellate relief. *Meagher v McNeely & Lincoln, Inc*, 212 Mich App 154, 156; 536 NW2d 851 (1995). See also MCR 7.212(C)(5). We decline to create the question for her. We therefore affirm the result below on the ground that plaintiff forfeited appellate review through failure of presentation.

Moreover, we would affirm on the alternative basis that plaintiff fails to show that the wrist condition she attributes to the accident affected her general ability to lead her normal life. See MCL 500.3135(1) and (7); *Kreiner v Fischer*, 471 Mich 109, 133; 683 NW2d 611 (2004). The focus is not on the plaintiff's subjective pain and suffering, but on injuries that actually affect the functioning of the body. *Miller v Purcell*, 246 Mich App 244, 249; 631 NW2d 760 (2001). Residual impairments based on perceived pain are actionable only if bringing about

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<sup>1</sup> MCL 500.3101 *et seq.*

“physician-imposed restrictions,” not “[s]elf-imposed restrictions.” *Kreiner, supra* at 133 n 17. Plaintiff complains only that her subjectively felt pain has led her to give up what had been her major hobby, cross stitching. Because plaintiff points to the curtailment of a mere hobby, and a self-imposed, as opposed to physician-imposed, curtailment at that, she has failed to show that she has suffered an affect on her general ability to lead her normal life.

Affirmed.

/s/ Hilda R. Gage

/s/ Joel P. Hoekstra

/s/ Christopher M. Murray